

**REMARKS**

Claims 1-16, 28-31 and 33 are pending in this application. Claim 27 is canceled. By this Amendment, claims 1, 3, 4 and 28 are amended and claims 17-26, 32, 34 and 35 are canceled. Reconsideration of the present application based on the above amendments and following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. The Claims Define Allowable Subject Matter**

The Office Action rejects claims 1-9 and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,513,199 to Haase in view of U.S. Patent No. 5,658,823 to Yang; claim 10 under 35 U.S.C. §103(a) as being unpatentable over Haase and Yang and further in view of U.S. Patent No. 6,160,081 to Tanaka; claims 11-12 under 35 U.S.C. §103(a) as being unpatentable over Haase, Yang, and Tanaka and further in view of U.S. Patent No. 5,508,803 to Hibbs; and claims 14-16, 28-31 and 33 under 35 U.S.C. §103(a) as being unpatentable over Haase and Yang and further in view of U.S. Patent No. 6,088,378 to Furukawa. These rejections are respectfully traversed.

None of the applied art disclose step (c) found in independent claims 1, 3 and 28 of the application. For example, neither Haase nor Yang disclose a step of forming a second resin layer having a lower solubility than the first resin layer in a specific liquid, as recited in

claim 1; a step of forming a second resin layer having a lower solubility than the first resin layer by semi-curing, as recited in claim 3; or a step of forming a second matrix applying layer, the second matrix applying layer having a lower solubility than the first matrix applying layer, as recited in claim 28.

In Haase, a portion of a polyimide layer 34 above electrode 30 is removed by UV exposure through a photomask after forming polyimide photoresist, and then the polyimide is cured. Thus, in Haase the polyimide portion is removed by UV exposure. Moreover, the solubility of polyimide increases after UV exposure.

Therefore, the portion of the polyimide layer 34 (34') that is UV-exposed (apparently asserted by the Patent Office to correspond to the "second resin layer" recited in Applicants' claims) has a higher solubility than the remaining portion (apparently asserted by the Patent Office to correspond to the "first resin layer").

For better clarity, claims 1 and 3 have been amended to recite that the second resin layer has a lower solubility than the first resin layer. Similarly, claim 28 has been amended to recite that the second matrix applying layer has a lower solubility than the first matrix applying layer. The applied art fails to disclose these features. As discussed above, in Haase, since the solubility of the resin layer increases under UV exposure, the "second resin layer/second matrix applying layer" has a higher solubility than the "first resin layer/first matrix applying layer". Yang fails to overcome this deficiency.

Similarly, none of the applied art disclose a method of fabricating a surface-emission type light-emitting device comprising the step of forming a first resin layer, an entire upper surface of the first resin layer being located above the column-shaped section, as recited in claim 4.

This feature makes it possible to suppress disconnection of a later formed upper electrode. Upon forming an electrode, a resin layer which surrounds the column-shaped

section should be at least as high as the column-shaped section. If the resin layer is lower than the column-shaped portion as in Yang, the side surface of the column-shaped portion may be exposed after the step of removing the resin layer (see Fig. 6I). Moreover, when an upper electrode is formed on the side surface of the column-shaped portion, the portion of the electrode on the side surface of the column-shaped portion will be formed thin and, as such, a disconnection can easily occur at the thin portion. By providing the entire upper surface of the first resin layer above the upper surface of the column-shaped portion it is possible to avoid the resin layer being located lower than the column-shaped portion during the step of forming the electrode. Moreover, this feature provides other advantages. For example, parasitic capacitance between the upper electrode and the multilayer film below the first resin layer can be reduced; it is possible to drive the light-emitting device at a high speed; and unevenness of the film thickness caused by a convex section formed by the column-shaped section can be reduced. None of the applied art provide this feature or its advantages.

Thus, none of the applied art disclose all of the features of the claimed invention. As such, for at least the reasons discussed above, it is respectfully submitted that claims 1, 3, 4 and 28 are distinguishable over the applied art. Furthermore, those claims which depend from claims 1, 3, 4 and 28 are likewise distinguishable over the applied art for at least the reasons discussed above, as well as for additional features they recite. Accordingly, withdrawal of the rejections of the claims under 35 U.S.C. §103 is respectfully requested.

## **II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
James A. Oliff  
Registration No. 27,075

Jude L. Cooney  
Registration No. 54,045

JAO:JLC/aaw

Date: **June 1, 2004**

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--